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GREGG C. BENSON
PFIZER INC.
PATENT DEPARTMENT, MS 4159
EASTERN POINT ROAD
GROTON, CT 06340

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OFFICE OF PETITIONS

In re Application of
Michael P. Deninno, et al.
Application No. 10/099,620
Filed: March 15, 2002
Attorney Docket No. PC11066AAKM

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(1), filed by facsimile transmission on November 23, 2004, to withdraw the above-identified application from issue after payment of the issue fee.

It does not appear that the petition is signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mark J. Cohen appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. However, if Mr. Cohen desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Cohen, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

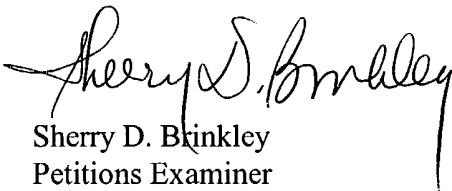
See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

While the petition states "that Baker et al. discloses species...which may make one or more claims of the present application unpatentable," there is no unequivocal statement that one or more claims are unpatentable.

This decision is made without prejudice to reconsideration upon the filing of a request therefor. Petitioner is reminded that any request for reconsideration of the petition to withdraw from issue must comply with one of the reasons for withdrawal cited in 37 CFR 1.313(c) and should be filed as soon as possible to avoid issuance of the application.

In order to expedite any request for reconsideration of the petition to withdraw from issue, petitioner should submit the petition by facsimile transmission at Fax No. 571-273-0025.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" being more prominent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: MARK J. COHEN
SCULLY, SCOTT, MURPHY & PRESSER
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY, NY 11530